

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ELLEN JEAN MITCHELL
AND
JAMES J. MITCHELL

Plaintiffs,

v.

TARGET CORPORATION,

Defendant.

Case No.

(State Court Case No. C-22-CV-18-000314

* * * * *

NOTICE OF REMOVAL

Defendant, Target Corporation ("Target"), by its attorneys, Daniel R. Lanier, and Miles & Stockbridge P.C., gives notice to this Court pursuant to 28 U.S.C. Section 1441, et m. that it is removing the above-captioned case, Case No. C-22-CV-18-000314 from the Circuit Court for Wicomico County, Maryland. In support of its action to remove, Target states:

INTRODUCTION

1. On or about July 30, 2018, Plaintiffs, Ellen Jean Mitchell and James J. Mitchell filed an action against Target in the Circuit Court for Wicomico County, Maryland entitled Ellen Jean Mitchell and James J. Mitchell v. Target Corporation, Case No. C-22-CV-18-000314.

2. Target was served on or about August 22, 2018 with a Writ of Summons, Civil-Non Domestic Case Information Report, Complaint, Demand for Jury Trial, Instructions to Clerk, and Certificate Regarding Restricted Information. Copies of the Writ of Summons, Civil-Non Domestic Case Information Report, Complaint, Demand for Jury Trial, Instructions to Clerk, and Certificate Regarding Restricted Information are attached as Exhibits A, B, C, D, E,

and F respectively. No additional pleadings, orders, or other papers have been served upon Target by Plaintiff.

3. This Notice of Removal is being filed within thirty (30) days after service upon Target of a copy of the Complaint and Summons, and is timely filed under 28 U.S.C. Section 1446(b).

4. A Notice of Filing of Notice of Removal has been filed with the Circuit Court for Wicomico County, Maryland contemporaneously herewith. A copy of that Notice is attached as Exhibit G.

FACTS AND LAW SUPPORTING REMOVAL

5. Plaintiffs are residents of the State of Maryland.

6. Defendant Target is a Minnesota corporation with its principal place of business in Minnesota.

7. The amount in controversy in this matter exceeds the sum of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.

8. There is complete diversity of citizenship among the parties and this Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. Section 1332. Further, none of the parties joined and served as a defendant is a citizen of Maryland.

9. Pursuant to 28 U.S.C. Section 1446(a) and Local Rule 103.5(a), true and legible copies of all process, pleadings, papers, and Orders which have been served upon Target in this matter are attached as Exhibits A through F.

10. Furthermore, pursuant to Local Rule 103.5(a), within thirty (30) days after the filing of this Notice of Removal, Target shall file true and legible copies of all other papers, if

any, then on file in the state court, together with a certification from counsel that all filings in the state court action have been filed in the United States District Court for the District of Maryland.

WHEREFORE, Defendant, Target Corporation, respectfully requests, based upon the allegations of this Notice of Removal, that this action is properly removable and requests that this court retain jurisdiction over the same.



Daniel R. Lanier
Federal Bar No. 04504
MILES & STOCKBRIDGE P.C.
100 Light Street
Baltimore, Maryland 21202
(410) 385-3651

Attorney for Defendant,
Target Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19 day of September, 2018, a copy of the foregoing **NOTICE OF REMOVAL** was mailed first-class, postage prepaid, to:

Jordan A. Gilmore, Esquire
Laws, Insley & Benson, P.A.
209 East Main Street
Salisbury, MD 21801



Daniel R. Lanier